

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ISMAEL GOMEZ, JR.,

Plaintiff,

vs.

Case No. 13-cv-946-JPG-SCW

UNITED STATES OF AMERICA, J.S.
WALTON, M. WINKLMEIER, M. BAGWELL,
LESLEY DUNCAN BROOKS, CASTILLO, DR.
KING and DR. HARVEY,

Defendants.

JUDGMENT

This matter having come before the Court, the issues having been heard, and the Court having rendered a decision,

IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered in favor of defendants Lesley Duncan Brooks, Castillo, Dr. King, J.S. Walton, and M. Winklmeier and against plaintiff Ismael Gomez Jr. on the following claims:

- Count 2 (*Bivens* claim for deliberate indifferent to serious medical needs in violation of the Eighth Amendment); and
- Count 5 (*Bivens* claim for denial of proper medical treatment due to race in violation of the Equal Protection Clause of the Fifth Amendment);

IT IS FURTHER ORDERED AND ADJUDGED that the following claims are dismissed with prejudice:

- All claims against defendants Dr. Harvey and M. Bagwell;
- Count 4 (*Bivens* claim for denial of due process by violating violated Program Statement 6000.05 and not affording proper medical treatment in violation of the Fifth Amendment);
- Count 6 (claim for conspiracy to deny equal protection as alleged in Count 5 in violation of 42 U.S.C. § 1985(3));
- Count 7 (claim for conspiracy to obstruct justice by intimidating a witness as alleged in relation to Count 3 by failing to provide Plaintiff proper medical care in violation of 42 U.S.C. § 1985(2)); and
- Count 8 (claim for failure to withdraw from and/or quash the conspiracies alleged in

Counts 6 and 7 in violation of 42 U.S.C. § 1986).

IT IS FURTHER ORDERED AND ADJUDGED that the following claims are dismissed without prejudice:

- Count 1 (FTCA claim for negligence in attending to medical needs due to violation of prison regulations and Illinois law); and
- Count 3 (*Bivens* claim for retaliation for litigation activities by failing to properly treat Plaintiff's medical needs in violation of the First Amendment).

DATED: September 23, 2016

JUSTINE FLANAGAN, Acting Clerk of Court

s/Tina Gray, Deputy Clerk

Approved: s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE